

### REMARKS

The Examiner objected to claims 1-23 under 35 U.S.C. 112. Although applicant believes that each phrase in the claims as originally presented was enabled by applicant's specification, applicant has nevertheless amended claims 1-23 to overcome the Examiner's objections under 35 U.S.C. 112. In particular, since the Examiner has not object to the language in claims 35-51 pertaining to monitoring content in "a processing environment to be accessed by the user," applicant has substituted this language for the language in claims 1-23 to which the Examiner objected. Applicant notes that it does not intend to suggest that claims 1-23 as amended exclude monitoring content exchanged between an application program and an operating system.

The applicant notes with appreciation that the Examiner has not repeated the rejection of the claims over *Haitsuka et al.*

The rejections over the newly applied reference, *Kurtzman II*, suffer from a defect similar to the rejections over *Haitsuka et al.*, however.

In particular, the independent claims were previously amended to make it clear that the invention requires: (1) determining whether monitored content includes a predetermined advertisement (or includes predetermined advertisement content that would direct the user to a predetermined advertisement) and (2) if the monitored content includes the predetermined advertisement (or includes predetermined advertisement content that would direct the user to a predetermined advertisement), possibly replacing the predetermined advertisement with another predetermined advertisement based on user input.

Because the present invention can replace predetermined advertisements or advertisement content that is included in the monitored content, it is possible, in certain embodiments, for a user to boycott content, as is explained at page 4, line 28 through page 5, line 2 of the application as filed:

"Because a user is able to select an arbitrary originator of content, the user is enabled to effectively "boycott" or ignore electronic content relating an originator of content, thus ignoring all goods and services provided by the originator of content through the internetwork."

In other embodiments, the invention allows the user to obtain more appropriate information than was already incorporated into the content. As is explained in the application as filed at page 4, lines 16-21:

“Because an advertisement is replaced based on user input, the method provides the user with a way of obtaining more useful and relevant information. For example, an advertisement for a remote company may be replaced with an advertisement for a company local to the user. Furthermore, entities related to the advertisements may agree upon the replacement technique and effectively act to co-brand each other. This provides one of the entities with the ability to reach out to users that wouldn't normally be reached.”

Kurtzman, II relied upon by the Examiner under 35 USC 103, like Haitzuka et al., discloses the monitoring of information in order to “select an advertisement or other media presentation to be shown to the user” (abstract). Kurtzman, II does not, however, monitor the actual content files that the user accesses and views in order to find and possibly replace predetermined advertisements or advertisement content contained in the environment of the actual content files, but rather simply in order to gather demographic information concerning the user such as income, gender, age, or race, as well as geographic information, psychographic information, digital identification information, and HTTP information (column 3, lines 25-32), so that advertising can be targeted to the user.

As is stated in the “Objects and Summary of the Invention” of Kurtzman, II (emphasis added):

“Accordingly, an object of the invention is to provide a more sophisticated profiling technique for generating a more useful user profile.

“A further object of the invention is to use this user profile to help select an advertisement or other media presentation to be shown to the user.

“These and other objects of the invention are achieved by using the actual content files accessed and viewed by the user. These content files may be used alone or in combination with the other elements known in the prior art to help select an advertisement or other media presentation to be shown to the user. This selection process is performed by an affinity server.”

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Page : 13 of 13

Attorney's Docket No.: 11423-002001

This is completely different from monitoring a content stream for the purpose of finding and possibly replacing an incident advertisement that is included in the content stream.

Enclosed is a \$55 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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1

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